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November 6, 2007.

The Hon. George B. Daniels, U.S.D.J.

Via fax to (212) 805-6737

U.S. District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007-1312

SO ORDERED

The conference is adjourned to
December 18, 2007 at 9:45 a.m.

Re: Phillip Martinez vs. The City University of New York et al
Civil Action 07-cv-6453 (GBD)

George B. Daniels
HON. GEORGE B. DANIELS

NOV 07 2007

Dear Judge Daniels:

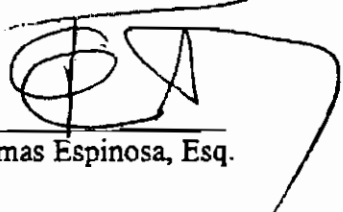
I am the attorney for plaintiff in the above referred matter. Please accept this fax copy with defendants attorney's signature and my signature of the Civil Management Plan Pursuant to Rules 16 and 26 (f) of the F.R.C.P.

I use the opportunity to request an adjournment of the scheduled Rule 16 scheduling conference that is scheduled for November 14, 2007 at 9:30 A.M. The reason for the adjournment is that I have on the same date and time conflict with a big Chapter 11 Bankruptcy 341 (a) Hearing before Office of Trustee at the U.S. Bankruptcy Court in the District of New Jersey, and for which a financing expert has been engaged and noticed. Let me suggest the following date if the conference can be rescheduled for November 16, 2007 or December 12, 2007. Please let me know if the adjournment is granted and for which date. I would like to inform to the Court that I will be on vacation out of the country in Uruguay starting on December 19, 2007 to January 12, 2008.

I do not expect that my vacations to be a problem as to the discovery, but if that is the case, I will ask the forbearance of the Court to allow me to apply for an extension. Please note that I am a solo practitioner with a heavy trial schedule both in New York and New Jersey.

Thanks for Your Honor attention to this matter.

Very Truly Yours,


Tomas Espinosa, Esq.

TE/ve.

Cc: Aron Fischer, Esq.
With attachments

Via fax to (212) 416-6075

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Phillip Martinez,

Plaintiff,

-against-

The City University of NY and Sebastian Persico
both in his official and personal capacity,
Defendant,

07cv6453(GBD)

CIVIL CASE MANAGEMENT
PLAN AND SCHEDULING ORDER

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No additional parties may be joined after January 9, 2008.
2. No amendment to the pleadings will be permitted after January 9, 2008.
3. Except for good cause shown, all discovery shall be commenced in time to be completed by April 2, 2008. The Court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to completed discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. Dispositive motions are to served by April 18, 2008. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three(3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
5. A final pretrial conference will be held on June 4, 2008 at 9:30 a.m..
6. The Joint Pretrial Order shall be filed no later than May 7, 2008. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. All motions and applications shall be governed by the Court's Individual Rules of Practice.

8. The parties shall be ready for trial on 48 hours notice on or after July 10, 2008. The estimated trial time is 5 days, and this is a (jury) (non-jury) trial.
9. The Next Case Management Conference will be held on March 5, 2008 at 9:30 a.m..

Dated: August 8, 2007
New York, New York

SO ORDERED:



GEORGE B. DANIELS
United States District Judge



Attorney for Plaintiff



Attorney for Defendant